

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA 18-CR-6094(G)

vs.
XAVIER TORRES, Rochester, New York
Defendant. October 27, 2021
9:30 a.m.
- - - - -X

VOLUME 7

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE FRANK P. GERACI, JR.
UNITED STATES DISTRICT JUDGE

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United States Attorney
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Appearing on behalf of the United States

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I N D E X

WITNESS FOR THE GOVERNMENT

Axel Aponte Camacho

Direct examination by Mr. Marangola

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EXHIBIT

RECEIVED

Government 251-252	661
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P R O C E E D I N G S

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(WHEREUPON, the defendant is present).

THE COURT: Good morning.

MR. MARANGOLA: Good morning, Your Honor.

MS. KOCHER: Good morning.

MR. VERRILLO: Good morning, Your Honor .

(WHEREUPON, the jury is present).

THE COURT: Good morning, members of the jury.

Ready to proceed?

MR. MARANGOLA: Yes, Your Honor. Government recalls
Axel Aponte Camacho.

THE COURT: Please swear in the interpreter.

(WHEREUPON, the interpreter was sworn).

THE COURT: Mr. Aponte Camacho, I remind you you
remain under oath.

THE WITNESS: Okay.

THE COURT: Thank you. You may proceed.

MR. MARANGOLA: Thank you, Your Honor.

BY MR. MARANGOLA:

Q. Good morning.

A. Good morning.

Q. Can you hear my questions okay?

A. Yes.

Q. All right. If you have any issue with the -- through the

1 headset with the interpretation or you don't understand one of
2 my questions, just let me know, all right, Mr. Aponte?

3 A. Okay.

4 Q. Yesterday, Mr. Aponte Camacho, you told the jury that you
5 were arrested on December 8th, 2016; is that right?

6 A. Yes.

7 Q. And at the time you were arrested you had in your
8 possession over a kilogram of heroin and a firearm; is that
9 right?

10 A. Yes.

11 Q. And you testified you stole those from a particular
12 location; is that right?

13 A. Yes.

14 Q. And what location was that?

15 A. A building on Culver.

16 Q. Whose drugs and gun did you steal?

17 A. Javi's.

18 Q. All right. If I can -- Mr. Aponte, can you see from where
19 you're seated -- I'm holding Government 251 in my hand. Can
20 you see this?

21 A. Yes.

22 Q. Do you recognize what this is?

23 A. Yes.

24 Q. Can you tell the jury what you recognize this to be?

25 A. The drugs I stole from Culver.

1 Q. Is this part of the heroin that you stole from the
2 building, the apartment on Culver?

3 A. Yes.

4 Q. And that belonged to Javi?

5 A. Yes.

6 Q. All right.

7 **MR. MARANGOLA:** Judge, at this time I'm going to
8 read from Court Exhibit 1, the stipulation between the parties
9 with respect to Government Exhibit 251.

10 Government Exhibit 251 is a sealed plastic bag with
11 tan powder containing heroin that was seized from 54 Miller
12 Street on December 8th, 2016.

13 The aggregate weight of the heroin is approximately
14 1063.56 grams.

15 **BY MR. MARANGOLA:**

16 Q. So, Mr. Aponte Camacho, this quantity by itself weighs
17 over a kilogram; is that correct?

18 A. Can you repeat the question?

19 Q. So this one bag by itself was over 1 kilogram of heroin
20 that you took from the apartment on Culver; is that correct?

21 A. Yes.

22 Q. Did you take other quantities of heroin in addition to
23 this one bag that weighs over a kilogram?

24 A. There was another bag with heroin and another one with
25 packages of heroin and cocaine.

1 Q. All right. I'm going to show you -- can you see this bag
2 marked Government's Exhibit 252?

3 A. Yes.

4 Q. You recognize -- we've opened it, there are a number of
5 these items in Government's 252. Do you recognize these?

6 A. Yes.

7 Q. These plastic bags that contain numerous other smaller
8 black plastic bags and other packages of drugs in them, do you
9 recognize those?

10 A. Yes.

11 Q. Where do you recognize them from?

12 A. From packaging on Culver and from the apartment by the
13 hospital and then Leitscha's apartment and the apartment on
14 East Main and from selling them on LaForce and Burbank.

15 Q. All right. So these small clear plastic bags with the
16 numerous black plastic bags, you remember those type of bags
17 from all those places you just testified about?

18 A. Yes.

19 Q. Was there also a quantity of those plastic bags and those
20 black smaller bags that you stole from the apartment on Culver
21 on the same day that you took this bag marked Government's
22 Exhibit 251?

23 A. Can you repeat the question?

24 Q. Yes. On the same day that you took Government's 251 right
25 here, the kilogram, on the same day that you took that, did

1 you also take packages of heroin and cocaine from the
2 apartment on Culver?

3 A. Yes.

4 Q. And is that what's contained in this bag marked
5 Government's 252?

6 A. Yes.

7 **MR. MARANGOLA:** Again, Your Honor, I'll read from
8 Court Exhibit 1, the stipulation between the parties with
9 respect to Government's Exhibit 252.

10 Government Exhibit 252 was seized from 54 Miller
11 Street on December 8th, 2016.

12 Government Exhibit 252 contains a sealed plastic
13 bag with tan powder containing heroin in 1,300 glassine bags
14 marked the king.

15 The aggregate weight of the heroin is approximately
16 117.378 grams.

17 Government Exhibit 252 also contains 1006 blue
18 glassine bags stamped blue magic with tan powder containing
19 heroin.

20 The aggregate weight of the heroin is approximately
21 67.80 grams.

22 At this time, Your Honor, I'd offer Government's
23 251 and 252.

24 **MR. VERRILLO:** Your Honor, based on the Court's
25 prior ruling, I have no further objection.

1 **THE COURT:** Exhibit 251 and 252 will be received.

2 (**WHEREUPON**, Government Exhibits 251-252 were
3 received into evidence).

4 **BY MR. MARANGOLA:**

5 Q. Mr. Aponte Camacho, you indicated that you also stole a
6 firearm; is that correct?

7 A. Yes.

8 Q. From the Culver apartment?

9 A. Yes.

10 Q. All right.

11 **MR. MARANGOLA:** Your Honor, I'm holding in my hand a
12 plastic bag marked Government's Exhibit 246 that contains a
13 firearm.

14 For the Court and members of the jury, the firearm
15 has been -- it is unloaded, it has been rendered safe, there's
16 a zip tie through the chamber. So the firearm as it sits here
17 is incapable of being fired. Thank you.

18 **THE COURT:** Thank you.

19 **BY MR. MARANGOLA:**

20 Q. Mr. Aponte Camacho --

21 **MR. MARANGOLA:** -- Judge, if I could use the lectern
22 here to show the witness?

23 **THE COURT:** Yes.

24 **BY MR. MARANGOLA:**

25 Q. Do you see that on your monitor?

1 **THE COURT:** It hasn't been received yet, has it?

2 **MR. MARANGOLA:** Has not been. I'm asking to
3 authenticate it.

4 **THE COURT:** Was it just shown to the -- okay. I
5 think it was shown to everybody, but go ahead.

6 **MR. MARANGOLA:** I'm sorry, Judge.

7 **BY MR. MARANGOLA:**

8 Q. Mr. Aponte Camacho, do you see the firearm marked
9 Government's Exhibit 246 on your monitor?

10 A. Yes.

11 Q. Do you recognize that firearm?

12 A. Yes.

13 Q. What do you recognize that firearm to be?

14 A. I stole it from Culver.

15 Q. And is that the firearm that you had with you at 54 Miller
16 Street on the day of your arrest?

17 A. Yes.

18 Q. How do you recognize it as the same firearm that you had
19 with you on the day of your arrest and that you stole from
20 Culver?

21 A. It's XD 40. I had it the entire day from the day I robbed
22 it, I stole it until the next day.

23 Q. All right.

24 **MR. MARANGOLA:** Your Honor, if I could read from the
25 stipulation between the parties marked Court Exhibit 1

1 regarding Government Exhibit 246.

2 Government Exhibit 246 contains one 40 S&W caliber
3 Springfield Army XD 40 subcompact semi-automatic pistol,
4 serial number US217877, seized from 54 Miller Street,
5 Rochester, New York on December 8th, 2016.

6 At this time, Your Honor, I'd offer Government's
7 Exhibit 246.

8 **MR. VERRILLO:** Based on the Court's prior ruling, I
9 have no further objection.

10 **THE COURT:** Exhibit 246 is received.

11 (**WHEREUPON**, Government Exhibit 246 was received
12 into evidence).

13 **BY MR. MARANGOLA:**

14 Q. Mr. Aponte Camacho, you see Government's Exhibit 1 on your
15 screen?

16 A. Yes.

17 Q. All right. Yesterday you testified that the individuals
18 shown in that exhibit were members of Javi's drug operation
19 during the time that you worked there between May or April of
20 2015 and December of 2016; is that right?

21 A. Yes, one of them like -- two of them when I worked, they
22 weren't working anymore.

23 Q. And who were those? All right. So those two circles on
24 the bottom row, the one on the far left and the far right,
25 those two individuals were not working there any more at the

1 time you participated in this drug operation?

2 A. Yes. When I started to work, they didn't work anymore.
3 But before I started to work Obed was already working and
4 since I always hang out with Obed, I would see when Obed was
5 running and he will take them drugs when they were selling it.

6 Q. He would take who drugs?

7 A. To the two I marked.

8 Q. Okay. So before you started working you saw the two
9 individuals that you marked here working as part of the
10 operation; is that right?

11 A. Can you repeat the question?

12 Q. Yeah. Before you started working as part of the operation,
13 you saw the two individuals that you circled in this
14 photograph working as part of the operation?

15 A. The first one on the corner, I never like saw his face
16 when he was working, but I knew that Obed was going to take
17 him drugs because he said that Rafi was the one working. I
18 knew who he was after he passed away because I went to his
19 wake and that's when I saw his face.

20 Q. Okay. So you never actually saw the person on the bottom
21 left corner actually working?

22 A. No.

23 Q. All right.

24 A. I saw that Obed will take him things. I wouldn't see him
25 when he gave it to him. He said that he would take it to

1 Rafi.

2 Q. Okay. And the person on the bottom right you saw before
3 you started working there?

4 A. Yes.

5 Q. All right. But once you started working you did not see
6 him anymore?

7 A. No.

8 Q. Okay. If you can -- do you know how to clear your marks?
9 If you touch the bottom -- or maybe Ms. Rand will help us out
10 there. Thank you.

11 Mr. Aponte Camacho, were the same people involved
12 in Javi's drug operation during the entire time that you
13 worked there?

14 A. Yes, but some got arrested and some would leave and then
15 turn back around.

16 Q. When you say "turn back around," what do you mean?

17 A. They will go back to work with the organization.

18 Q. So there were times that people left either because they
19 were arrested or they went somewhere else, but then they came
20 back and continued to work for the organization?

21 A. Yes.

22 Q. Can you give the jury an example of the first category of
23 people that got arrested during the time you were working,
24 left for a period of time and then came back to work for the
25 organization after they had been arrested?

1 A. You want an example of the ones who were arrested and then
2 turned back around?

3 Q. Yes.

4 A. Obed; Pistolita; and Yankee. And Victor wasn't arrested,
5 but he would leave and then turn back around.

6 Q. When you say "turn back around," can you explain what you
7 mean by that?

8 A. He will leave, like not work and then he will come back
9 and start working.

10 Q. All right. And then the other three that you circled --
11 Obed, Pistolita and Yankee -- those individuals were arrested
12 during the time you were working as part of this operation?

13 A. Yes.

14 Q. And after they were arrested was there a time that they
15 were no longer working for the operation?

16 A. Yes, one of them. But they will come back again, they
17 will leave and come back.

18 Q. And come back. And what would they do when they came back
19 after being arrested?

20 A. They will go back to work.

21 Q. Okay.

22 A. Selling and working the table.

23 Q. All right. When you testified that there was some people
24 that left, what do you mean by left? Would they leave the
25 area, like leave Burbank?

1 A. Yes.

2 Q. All right. Any -- do you know where some of the people
3 left to?

4 A. Yes. One of them Javi told me that he had gone to
5 Buffalo.

6 Q. Javi told you who went to Buffalo?

7 A. Pistolita.

8 Q. Okay.

9 A. Victor also he was around Buffalo. And he said Pistolita
10 went to Buffalo.

11 Q. Mr. Aponte Camacho, can you describe for the jury how you
12 first became involved in selling drugs for this organization?

13 A. Through Obed. Obed told me that Javi had told him to ask
14 me if I wanted to make a little bit extra money since I was
15 working at a barber shop, and I told him yes.

16 And from there Pistolita and Obed they pick me up
17 in a building where my mom used to live, 150 Van Aucker
18 Street, we went to the apartment at the hospital, and that was
19 the first day I started to work the table packaging drugs.

20 Q. When you say "work the table," was that the first job you
21 had as part of this organization?

22 A. Yes.

23 Q. And who was it that brought you to that apartment the
24 first day?

25 A. Pistolita and Obed.

1 Q. If you can touch the screen -- you don't have to circle,
2 just touch their photo so we know specifically who you're
3 talking about. All right. And when they brought you to the
4 apartment -- let me show you -- you said the hospital
5 apartment?

6 A. Yes.

7 Q. Why do you call it the hospital apartment?

8 A. Because it's next to the General hospital.

9 Q. Rochester General Hospital?

10 A. Yes.

11 Q. I'd like to show you what is in evidence as Government's
12 Exhibit 59. And Government's 60. Do you recognize the
13 apartment building shown in Government's 59 and 60?

14 A. Yes.

15 Q. What do you recognize that apartment to be?

16 A. The apartment building where I went to package drugs for
17 the first time when I started to work.

18 Q. All right. Can you tell us about that first day that Obed
19 and Pistolita -- by the way, so we're clear, is the person
20 that you referred to as Pistolita in court here today?

21 A. Yes.

22 Q. Can you point to him and tell us what he's wearing for the
23 record?

24 A. Blue shirt.

25 Q. I think we got a few blue shirts today. Can you be more

1 specific?

2 A. The blue shirt, black hair.

3 Q. Is he wearing a sport coat? A jacket or no jacket?

4 A. No.

5 Q. No jacket?

6 A. No.

7 **MR. MARANGOLA:** Your Honor, may the record reflect
8 Mr. Aponte Camacho's identification of the defendant.

9 **THE COURT:** Yes, the record will note the
10 identification of the defendant.

11 **BY MR. MARANGOLA:**

12 Q. Can you tell us what happened when the defendant and Obed
13 took to you this apartment by Rochester General Hospital for
14 the first time?

15 A. Well, we went in, we went past the kitchen, the living
16 room and the first door to the left when we opened it there
17 was a table there. There was Robert and Pistolita.

18 Sit down next to Robert and Obed next to Pistolita,
19 and there were many bags already of heroin -- with heroin
20 inside. And there were like the pumpkin bowls the kids use
21 for Halloween, and that was full with little heroin -- with
22 heroin bags already sealed with tape, all you have to do were
23 to put them inside the black -- the little black ziplocks. You
24 had to put ten bags of the little ones inside one of the black
25 ones, and that's a bundle.

1 And there were other ones in the bowl like the
2 Halloween pumpkins and that one was filled with black bags
3 empty where you make the bundles. And Robert told me -- I say
4 hello to Robert. I said hello to Obed. Hello was like --
5 like you're here, like he had already told me that Javi wanted
6 to -- for me to make some extra money.

7 The way that he greeted me wasn't like to tell me
8 hello, it was like to tell me you're already here. And then
9 Robert told me look, this is easy, simple. You take the
10 spoon, take from the mountain of heroin on the table and he
11 will take some with the spoon, a very small spoon, and with a
12 card, like a credit card or a Walmart card, he would clean the
13 spoon to make it like flat.

14 And then he would put it inside the heroin bag. He
15 did that like twice and like a couple of minutes later Javi
16 arrive and when he opened the door he said welcome to the
17 family, bro. He asked me if I had already been explained how
18 to do it and Robert told him that yes, that he just explained
19 to me .

20 And he said look, this is how you do it and he took
21 two spoons. First one spoon, cleaned it up, and put it inside
22 the heroin bag. Then he took another one, he went and cleaned
23 it again and put it inside the heroin bag.

24 And then he asked if I was taught how to do with
25 the cocaine and Obed said yes. Because after Robert explained

1 it to me, Obed was doing the same with a spoon and the card
2 but with cocaine.

3 And they would put it in a very small ziplock bag
4 and they had a candle lit and the top part of the little
5 ziplock was burned off so that the cocaine would not spill
6 out.

7 Q. All right. If we could show you Government's Exhibit 1.
8 Can you identify the people that were there at the apartment
9 next to the general hospital on that first occasion when Obed
10 and Pistolita took you there?

11 A. You want me to tell you the people who was there when I
12 arrived?

13 Q. Everybody who was there both when you arrived and after.

14 A. Okay.

15 Q. All right. You've placed dots over the very top
16 photograph. That's who you identified yesterday as who?

17 A. Javi.

18 Q. And the photograph below and to the right, the person with
19 the white tank top was present as well?

20 A. Yes.

21 Q. And you identified that person yesterday as who?

22 A. Robert.

23 Q. And the photograph below Robert is who?

24 A. Pistolita.

25 Q. And two photographs to the left of Pistolita is who?

1 A. Obed and I.

2 Q. All right. All of those people were present at that
3 apartment that day?

4 A. Yes.

5 Q. You said you described the heroin. How did you know the
6 mound of powder or one of the mounds of powder was heroin?
7 What did it look like?

8 A. Like a clear brown, and the cocaine was white.

9 Q. Okay. You testified about what Robert said and what you
10 observed him doing. Can you describe after you first got to
11 the apartment what did you observe the defendant Pistolita do
12 at the table?

13 A. I'm sorry, can you repeat the question?

14 Q. Well, you said that Obed and Pistolita brought you to the
15 apartment; is that right?

16 A. Yes.

17 Q. And you described some of the things that Robert did and
18 that Javi did while you were at the apartment?

19 A. Yes.

20 Q. What, if anything, did you see Pistolita do at the
21 apartment?

22 A. He was putting the tape on the bags.

23 Q. On this occasion he was putting the tape on the bags?

24 A. Yes, the heroin bags.

25 Q. Okay. And what did Obed do?

1 A. Obed was putting in some with a spoon, putting the cocaine
2 in the ziplock bag and burning them with the candle.

3 Q. Okay. When Javi told you -- after Javi got there and he
4 said welcome to the family, what did you understand him to
5 mean?

6 **MR. VERRILLO:** Objection.

7 **THE WITNESS:** Like --

8 **THE COURT:** Overruled. What he understood.
9 Overruled, you can answer that.

10 **THE WITNESS:** Like welcome to the group of selling.

11 **BY MR. MARANGOLA:**

12 Q. I'm sorry?

13 A. Welcome to the group of selling.

14 Q. Welcome to the group of selling?

15 A. Like welcome to the organization.

16 Q. Okay. Did Javi or anyone at that first time in the
17 hospital apartment talk to you about getting paid to work the
18 table?

19 A. Yes.

20 Q. What was discussed or what was told to you?

21 A. Javi told me that because -- for that table that I was
22 gonna get paid \$200, but mostly he paid \$500.

23 Q. All right. After Javi told you that, did he stay in the
24 apartment?

25 A. He stayed for a moment and told Obed that he knew that

1 when I would get called to work not to talk anything specific
2 on the phone, and he left.

3 Q. All right. After Javi left who was still in the apartment?

4 A. Pistolita, Robert, Obed and I.

5 Q. And what did you, Pistolita, Robert and Obed do after Javi
6 left the apartment?

7 A. Continue working on the table.

8 Q. When you say "working," you mean bagging up the drugs?

9 A. Finishing packaging.

10 Q. All right. What was done with the packages of drugs, those
11 small bags of heroin and cocaine that you filled after you
12 worked the table?

13 A. They will take it to Burbank to be sold.

14 Q. All right. So when you're working the table then you're
15 packaging drugs for sale?

16 A. Yes.

17 Q. After that first time that you packaged drugs with these
18 other individuals did you continue to work the table
19 periodically?

20 A. Yes.

21 Q. How often did you go and work the table?

22 A. Like two or three times a week.

23 Q. And two or three times a week, what types of drugs would
24 you bag when you worked the table?

25 A. Heroin and cocaine.

1 Q. What were the hours that you would bag when you worked the
2 table typically?

3 A. Sometimes from 9 p.m. until 5 in the morning, 4 in the
4 morning; sometimes from 9 until 11 or noon, 1 in the
5 afternoon.

6 Q. Would you usually start at night?

7 A. Yes, almost most of the times was at night.

8 Q. And did you always get paid for working the table?

9 A. Yes.

10 Q. How much for each time that you worked there?

11 A. \$500, unless we didn't package a 31 of cocaine.

12 Q. I'm sorry, unless there was what?

13 A. Unless we didn't package anymore than just one -- a 31 of
14 cocaine.

15 Q. All right. So during those -- I don't know what, like six
16 to 15 hour shifts of working the table, what quantities --
17 what amounts of heroin and cocaine would you bag up?

18 A. 250 grams, 350 grams of heroin, 450 grams is the most that
19 we did. A 62 of cocaine or a 31 of cocaine.

20 Q. All right. With respect to the quantities of heroin you
21 said 250, 350 and 450?

22 A. Yes.

23 Q. And 450 was the most you did?

24 A. Yes.

25 Q. On one occasion?

1 A. Yes.

2 Q. What about 250? How many times or was that -- was that a
3 high amount? Let me withdraw that.

4 What's the lowest amount of heroin that you would
5 bag? The smallest quantity?

6 A. 250.

7 Q. Okay. So each time you worked the table it was at least
8 250 grams?

9 A. Yes.

10 Q. And the smallest amount of cocaine that you bagged was 31
11 grams?

12 A. Yes.

13 Q. Usually what was the quantity of cocaine?

14 A. There were always 62 grams.

15 Q. 62 gram quantities?

16 A. Of cocaine.

17 Q. How do you know that the quantities were 62 grams for the
18 cocaine and between 250 and 450 grams of heroin?

19 A. Because when we would arrive to the apartment Javi would
20 always go in first and weigh it and will tell us what we would
21 be doing.

22 Q. All right. Who decided the specific quantity that would be
23 bagged?

24 A. Javi.

25 Q. If you were bagging say 250 grams of heroin, do you have

1 any idea about how many little packages or little bags,
2 individual bags of heroin that would be?

3 A. Sometimes we made seven boxes and each box had 1,000 bags.
4 So maybe like 7,000 bags of heroin.

5 Q. All right. And when you say "boxes," what -- can you
6 describe the boxes that you're talking about?

7 A. Sorry, I made a mistake when the interpreter said bag
8 instead of box. I clarified that it was box.

9 Q. So did you say boxes with 1,000 bags in each?

10 A. Yes.

11 Q. All right. What are the boxes that you're talking about?

12 A. I don't know how to describe it, but like a lid that you
13 lift and all of the bags were pressed in there.

14 Q. How big are each of these boxes that would have --

15 A. Like this, like this long and like this tall.

16 Q. All right. And for the record you held your fingers out
17 for, I don't know, about -- estimate about 6 or 8 inches maybe
18 by a couple inches high?

19 A. Yes.

20 Q. Okay. After -- what would you do with the individual bags
21 if you bagged up, say, several thousand of these individual
22 bags of heroin, what would be done with each individual bag?

23 A. Well, they will be taped -- after the heroin was put
24 inside, they will fold them, put on tape, you would take ten
25 of those little bags and put them in a ziplock, small black

1 one, that was a bundle. And ten bundles were put in the
2 plastic bag, tie them up and that would be a package.

3 Q. What would be done with the bags of cocaine?

4 A. The bags of cocaine, well, after being put inside the bags
5 and being burned, we would put them all inside the ziplock, a
6 big one, a big big one.

7 Q. Can you describe for the jury the difference between the
8 package -- between the bags for cocaine and the bags for
9 heroin?

10 A. The heroin bags were like a paper bag and the cocaine bags
11 were plastic like a ziplock, small.

12 Q. What color were the cocaine bags?

13 A. Of cocaine?

14 Q. Yes.

15 A. Clear.

16 Q. How about the heroin? What did you describe them as,
17 paper bags?

18 A. Yes.

19 Q. What color were they?

20 A. Blue and if I'm not wrong, there was -- there were white
21 with like a gladiator helmet.

22 Q. All right. You brought me to my next question. Were there
23 stamps or designs on any of the bags that you put the heroin
24 and cocaine in?

25 A. Yes.

1 Q. Which bags had stamps on them, the heroin or the cocaine
2 usually, or both?

3 A. No, just the heroin.

4 Q. How did the stamps get on the bags, do you know?

5 A. The ones that said blue magic, they would get like an ink
6 with a puncher and will put it on.

7 Q. An ink pad with -- what did you say, a puncher?

8 A. Yes, like to stamp it.

9 Q. All right. And so there was a stamper that had blue magic
10 and that would be put on bags for heroin?

11 A. Yes, but the other bags, the ones with the gladiator
12 helmet, those came that way.

13 Q. The stamp was already on the bag?

14 A. Yes.

15 Q. All right. Were there other stamps as well or other
16 designs on some of the heroin bags during the time that you
17 worked the table as part of this organization besides the blue
18 magic or the helmets?

19 A. Not that I remember.

20 Q. Okay. Did you continue working the table two to three days
21 a week from the spring of 2015 all the way up until your
22 arrest?

23 A. Yes, but like twice that I stopped working.

24 Q. All right. So twice during that time period you didn't
25 work for a period of time?

1 A. Yes.

2 Q. All right. During those times that you were working, who
3 on Government's Exhibit 1 would be present with you when you
4 were working the table two to three days a week?

5 All right, and you circled every photograph in
6 Government's Exhibit 1 except the bottom row; is that correct?

7 A. Yes.

8 Q. So starting with the top you previously identified Javi
9 and Robert. Who is next to Robert?

10 A. You asked who is next to Robert?

11 Q. Yes. In Government's Exhibit 1.

12 A. Leitscha.

13 Q. And what did she do when working the table?

14 A. She would take the bags and put them inside of bundles.

15 Q. All right. And starting at the right in the next row, who
16 is the first person you circled on the right?

17 A. Tapon.

18 Q. What did he do when you were working the table?

19 A. Sometimes he would put the heroin in the bags, or
20 sometimes he would tape them.

21 Q. What about the person next to Tapon, what did he do,
22 Yankee?

23 A. Mostly he would put the heroin in the bags.

24 Q. All right. And what about the person next to Yankee, the
25 defendant Pistolita, what did he do?

1 A. He mostly would put -- he would work with a spoon, putting
2 the heroin in the bags.

3 Q. All right. What about the person next to Pistolita, Vic?

4 A. He almost always would put the tape and put them on the
5 bundle, in the little bags of ten, the bundle.

6 Q. All right. And next to Vic is you. What did you do?

7 A. I would put the tape on the bags and put them in the
8 bundle and I got to do the spoon as well.

9 Q. You would use the spoon as well?

10 A. Not frequently I got to do it because I was slow.

11 Q. Did you say not frequently?

12 A. No, because I was slow with the spoon.

13 Q. What did you say with the spoon?

14 A. I was slow to work because it's difficult.

15 Q. Oh, you were slow with the spoon?

16 A. Yes.

17 Q. Okay. And then Obed's next to you. What did Obed do at
18 the table?

19 A. He will work with the spoon or would put tape to the bags.

20 Q. Who were the fastest working with the spoons putting it in
21 the bags?

22 A. Pistolita and Yankee. And the brother of Javi's wife, but
23 it's not here in the picture.

24 Q. What's the brother of Javi's wife? What's his name?

25 A. Naldi.

1 Q. So he was another person that would work the table?

2 A. Wasn't always there, but he did work it.

3 Q. All right. So we're clear, did any of the individuals on
4 the bottom row, were they ever asked to work the table?

5 A. No.

6 Q. Okay. Did you have a set schedule of when you would go to
7 work the table?

8 A. No.

9 Q. How would it come about that you would go and work the
10 table on a particular day?

11 A. Obed will call me and tell me that we had to work.

12 Q. What would happen after he called you and told you you had
13 to work?

14 A. He will go get me and take me to the apartment.

15 Q. All right. Would he bring anyone else with you?

16 A. Sometimes, yes.

17 Q. Who would he bring?

18 A. Pistolita.

19 Q. All right. During your time that you started working the
20 table, were you also continuing to work as a barber?

21 A. If I?

22 Q. Yes.

23 A. Yes.

24 Q. All right. You said Obed would pick you up and bring you.
25 What -- do you remember any of the vehicles that Obed would

1 drive when he would pick you up and bring you to work the
2 table?

3 A. Yes.

4 Q. Can you describe some of the vehicles?

5 A. White Camry; black Honda Accord; and a red Honda Accord.

6 Q. I'm going to show you what -- do you know what happened
7 to -- you said there was a black Honda Accord?

8 A. Yes.

9 Q. Do you know what happened to that vehicle?

10 A. We crashed it. Obed was driving, I was the passenger and
11 we crashed on North and Cleveland.

12 Q. After that car was crashed did Obed get another vehicle?

13 A. Yes.

14 Q. What was the vehicle he got after you and he crashed the
15 black Honda?

16 A. A red Honda Accord.

17 Q. I'm going to show you what's in evidence as Government's
18 175. Do you recognize what's shown in Government's 175?

19 A. Yes.

20 Q. And what do you recognize in Government's 175?

21 A. Obed's previous car.

22 Q. Is that the car that Obed would pick you up in and drive
23 you to go work the table?

24 A. Yes.

25 Q. Now, how often were you in this car, this red Honda shown

1 in Government's 175?

2 A. Every day. I was always with Obed.

3 Q. All right. Were there occasions when Obed wasn't driving
4 this car?

5 A. Yes.

6 Q. Did you see other individuals drive this car?

7 A. Yes.

8 Q. Who else drove Obed's red Honda the one shown in
9 Government's 175?

10 A. Pistolita.

11 Q. How often did you see the defendant driving Obed's red
12 Honda shown in Government's 175?

13 A. Almost every day; sometimes Obed was in the passenger side
14 and he was driving, or sometimes Pistolita was in the
15 passenger side and I was driving -- I mean Obed driving.

16 Q. All right. During the occasions when you saw either Obed
17 or Pistolita driving the red Honda, what did you see them do
18 in it?

19 A. I saw them doing deliveries, rolling or going to the
20 apartment on Liberty -- Leitscha's, going to Weaver to do
21 runs.

22 Q. And you say do runs, who did you see doing runs?

23 A. When what?

24 Q. Who did you see doing runs using the red Honda?

25 A. Obed and Pistolita.

1 Q. All right. Over the about year and a half that you worked
2 for this organization, did the location that you bagged drugs
3 or work the table, did that change or did it always stay at
4 the hospital apartment that you identified earlier?

5 A. It changed.

6 Q. All right. If we could show you Government's 59 again.
7 You testified this was the first place that you worked the
8 table; is that right?

9 A. Yes.

10 Q. And you referred to this place as what?

11 A. The hospital apartment.

12 Q. All right. How many times did you work the table at this
13 apartment if you can give the jury an idea?

14 A. Like 80 times, maybe 90.

15 Q. All right. During the times -- and I understand it's just
16 an estimate, during the 80 or 90 times you worked the table at
17 the apartment shown in Government's 59, was the defendant with
18 you?

19 A. Yes.

20 Q. All right. Do you recall what was the next apartment or
21 location that you worked the table after the hospital
22 apartment here shown in Government's 59?

23 A. Yes.

24 Q. What was the next place?

25 A. The apartment on East Main.

1 Q. I'm going to show you Government's Exhibit 53 in evidence.

2 Do you recognize anything shown in Government's 53?

3 A. Yes.

4 Q. What do you recognize in Government's 53?

5 A. The East Main building where we used to go package some in
6 one of the apartments.

7 Q. All right. And circle the building that you went into and
8 packaged drugs in one of the apartments. You circled the
9 large brick building in the center of that photograph; is that
10 right?

11 A. Yes.

12 Q. And that was after the hospital apartment?

13 A. Yes.

14 Q. Can you give the jury an idea, if it's possible an idea of
15 how many times you worked the table at an apartment in the
16 building shown in Government's 53?

17 A. Maybe some 20, 30 times.

18 Q. 20 or 30 times?

19 A. Yes.

20 Q. And was the defendant there with you on those occasions?

21 A. Yes.

22 Q. Was there a name that you referred to this building here,
23 the apartment building on Main?

24 A. The East Main, the apartment on East Main.

25 Q. Okay. There was not a special word that you used to refer

1 to this building that you remember?

2 A. Sometimes we will use the castle and that building -- and
3 on the building on Culver since both -- they were two big
4 buildings.

5 Q. All right. Do you remember the location that you worked
6 the table after working the table at an apartment in this
7 building here shown in Government's 53?

8 A. Yes.

9 Q. Where did you go work the table next?

10 A. On the apartment of Leitscha.

11 Q. You said the apartment of Leitscha's?

12 A. Yes.

13 Q. Where was that?

14 A. On Liberty Pole.

15 Q. All right. And if Ms. Rand could clear those marks for us?
16 Thank you. I'd like to show you what's in evidence as
17 Government's 51. And 52. Do you recognize what's shown in
18 Government's 51 and 52?

19 A. The apartment building where Leitscha used to live and we
20 went to package.

21 Q. All right. And do you know what street those apartments
22 are on?

23 A. No.

24 Q. Do you know where Liberty Pole Way is?

25 A. In downtown.

1 Q. All right. Are these the apartments shown in Government's
2 51 and 52 that you were referring to when you said Leitscha's
3 apartment on Liberty Pole Way?

4 A. Yes.

5 Q. All right. Can you tell us -- can you give us an idea how
6 many times you worked the table and packaged drugs at the
7 apartments shown in Government's 51 and 52?

8 A. Like 20, maybe 15 times.

9 Q. 20 or 15 times?

10 A. Yes.

11 Q. Was the defendant Pistolita there with you on those
12 occasions?

13 A. Yes, but in the apartment sometimes we would work the
14 table and if he was selling on the streets, then he would not
15 go to work the table that day.

16 Q. And you're referring to sometimes he would not be at the
17 apartment working the table with you at the apartment shown in
18 Government's 52?

19 A. And the other ones as well. He will work there, but
20 sometimes if he was working selling, then he will not go work;
21 or if Obed was selling on the streets, he will not go work the
22 table.

23 Q. All right. Was there an apartment after the Liberty Pole
24 Way apartment shown in Government's 51 and 52 that you also
25 worked the table?

1 A. Yes.

2 Q. And what was the next apartment?

3 A. On Culver, a building on Culver.

4 Q. Let me show you Government's 54 in evidence. And 55 in
5 evidence. Do you recognize the apartment building in
6 Government's 54 and 55?

7 A. Yes, the building where we worked.

8 Q. Where is the building shown specifically, the large brick
9 building in the center and left of Government's 54, what
10 street is that building on?

11 A. That's Culver.

12 Q. Is that the apartment building that you referred to as
13 Culver?

14 A. Yes.

15 Q. Did you work the table in an apartment building in the --
16 I'm sorry, in an apartment in that building in Government's
17 54, the red brick building?

18 A. Yes.

19 Q. And on the occasions that you worked the table bagging
20 heroin and cocaine in the apartment in that building, was the
21 defendant with you?

22 A. Yes.

23 Q. Can you give the jury an idea of how many occasions did
24 you work the table at an apartment in the Culver building?

25 A. Like maybe some 50 times.

1 Q. Maybe 50 times in this building?

2 A. Yes.

3 Q. All right. Now, you said that there were occasions when
4 the defendant was not there working the table with you?

5 A. Yes.

6 Q. All right. Let's start back at the general hospital
7 apartment. Was the defendant with you on all the occasions
8 you worked in that apartment or just some of the occasions?

9 A. Mostly all of them, but if he had to work that day in the
10 street, then he will not work the table.

11 Q. All right. So the majority of the times that you worked in
12 the general hospital apartment, the defendant was working the
13 table with you?

14 A. Yes.

15 Q. What about at the East Main apartment?

16 A. Also, yes.

17 Q. All right. And same with the Liberty Pole Way apartments?

18 A. Yes.

19 Q. And the same with the Culver Road apartments? I'm sorry,
20 the Culver Road apartment?

21 A. Yes.

22 Q. Let me show you -- was the building on Culver Road, was
23 that the last building you worked the table as part of this
24 operation?

25 A. Yes.

1 Q. And was the apartment in this building that you worked the
2 table the same apartment that you stole Government's 251, 252,
3 and the firearm marked Government's 246?

4 A. Yes.

5 Q. All right. I'd like to show you Government's Exhibit 16.
6 Do you recognize the person shown in Government's 16?

7 A. Yes.

8 Q. Who do you recognize the person shown in Government's 16
9 to be?

10 A. He was the -- from East Main, the landlord.

11 Q. How do you know he was the landlord at East Main?

12 A. Because Javi told me.

13 Q. What, if anything else, did Javi tell you about Ishmael?

14 A. That he was the landlord of the Culver building as well.

15 Q. All right. Now, you just testified a number of different
16 apartments that you worked the table as part of this
17 operation; is that right?

18 A. I didn't understand the question.

19 Q. You just testified that there were a number of different
20 apartments that you worked the table as part of this
21 organization; is that right?

22 A. Yes.

23 Q. Why were the locations changed?

24 A. Because Javi will say so.

25 Q. Would you get a key for each of these apartments?

1 A. No.

2 Q. All right. If we can go back to Government's Exhibit 59.
3 Starting here with the general apartment, that was the first
4 apartment you worked the table. Can you tell the jury what
5 was in these different apartments when you were working the
6 table with the defendant and others?

7 A. Drugs, heroin, cocaine; the bundles where we would keep
8 them; the suitcases; the blenders -- when they bought the
9 kilos they will put them in there so they can make it powder;
10 the spoons; guns; anesthetic bottles.

11 Q. Did you say anesthetic bottles?

12 A. Anesthetic, yes.

13 Q. All right. What quantities of drugs did you see of heroin
14 and cocaine did you see in the apartments that you worked the
15 table?

16 A. In the apartments?

17 Q. In the apartments, yes, what amounts of heroin and cocaine
18 did you see?

19 A. 2 kilos of cocaine or 3 kilos of heroin, four 62 in one
20 bag, two 31 heroin and powder, some big ziplock bags, those
21 were ready to just be put on the table and prepare them. A
22 bag of -- with pieces of heroin, but without grinding, making
23 the powder.

24 Q. What were the drugs, these kilos of cocaine or kilos of
25 heroin or 62s of cocaine, what were they kept in inside the

1 apartments?

2 A. Mostly in a closet.

3 Q. Would they be just on the floor in the closet or what
4 would they be stored in inside the closet?

5 A. Yes, on the closet floor, but inside of a bag.

6 Q. Inside of a bag?

7 A. Like a -- like a case, like a suitcase for the airport.

8 Q. The drugs would be in the suitcase?

9 A. Yes.

10 Q. All right. You described other material, packaging
11 material in these apartments; is that right?

12 A. Yes.

13 Q. And you described there would be spoons in the apartment?

14 A. Yes.

15 Q. Describe what the spoons looked like.

16 A. They were very, very small, like smaller than my finger
17 tip. Very thin. They had like McDonald logo on the back.

18 Q. All right. Let me show you Government's Exhibit 291.

19 We're going to enlarge a portion of Government's Exhibit 291,
20 which is in evidence. Do you recognize the portion of the
21 photo that's been enlarged and is on the right side of your
22 screen?

23 A. Yes.

24 Q. What do you recognize in that photograph?

25 A. The kind of spoon that we use to use to work with the

1 heroin and the coke.

2 Q. All right. Now, you testified that there were firearms in
3 these apartments?

4 A. Yes.

5 Q. Can you describe the firearms that were in these
6 apartments when you were working the table?

7 A. Yes. There were three AK, R-15 and 9 millimeter rifle, a
8 .40 XT, a .44, a very small Ruger, and a handgun like a silver
9 color.

10 Q. All right. You've described long guns?

11 A. Yes.

12 Q. As well as handguns?

13 A. Yes.

14 Q. Probably obvious, but can you tell the jury what were
15 these firearms at the apartments where the heroin and cocaine
16 were, what were those firearms for?

17 A. To protect if there was any kind of problem when somebody
18 was selling and somebody tried to go sell where we sold; or if
19 Javi had a problem or one of their workers had a problem.

20 Q. All right. I'm going to show you what's in evidence as
21 Government's 295. Do you see 295 on your screen there?

22 A. Yes.

23 Q. Do you recognize any of the firearms shown in Government's
24 295 from being present at those apartments where you worked
25 the table with the defendant and other members of this

1 organization?

2 A. Yes.

3 Q. If you could touch your screen and tell us which firearm
4 you recognize from being present at those apartments. For the
5 record you've made a mark over the firearm sort of on the
6 bottom portion of the bag with wood in two of the locations on
7 the firearm; is that right?

8 A. Yes.

9 Q. And what do you recognize that firearm to be?

10 A. AK-47.

11 Q. And you recognize that firearm from where?

12 A. From the Culver building.

13 Q. All right.

14 **MR. MARANGOLA:** Again, Your Honor, same firearms
15 that we previously showed to the jury that have been rendered
16 safe, they are disabled with zip ties. I have Government's
17 323 in my hand.

18 **BY MR. MARANGOLA:**

19 Q. I'm showing you, Mr. Aponte Camacho, Government's 323. Do
20 you recognize this firearm?

21 A. Yes.

22 Q. What do you recognize this firearm to be?

23 A. AK.

24 Q. Is this the firearm that you recognize shown in
25 Government's 295 that I just circled?

1 A. Yes.

2 Q. And you recognize this firearm from being at one of the
3 apartments where you worked the table as part of this
4 organization?

5 A. Yes.

6 Q. All right. In Government's 295 are there any other
7 firearms that you recognize from being present at any of the
8 apartments where you worked the table?

9 All right, for the record you've just made two
10 additional marks on there. The first mark you made was on the
11 firearm that's at the top portion of the photograph with the
12 handle sticking up; is that correct?

13 A. Yes.

14 Q. And what do you recognize that firearm from?

15 A. From where or what it is?

16 Q. Well, if you can tell me you recognize what it is, tell me
17 what you recognize it to be and then tell us where you
18 recognize it from?

19 A. From the Culver building. It's a 9 millimeter rifle.

20 Q. I'm showing you another firearm, Mr. Aponte Camacho, which
21 has still been rendered safe. It's Government's 321. Do you
22 recognize what I'm holding as Government's 321?

23 A. Yes.

24 Q. What do you recognize this to be?

25 A. A 9 millimeter rifle that was on Culver.

1 Q. All right. Is this the 9 millimeter rifle that you circled
2 shown in Government's 295?

3 A. Yes.

4 Q. All right. I forgot to do this with the previous firearm,
5 let me do it here with Government's 321. I'm reading from the
6 stipulation between the parties, Your Honor, on page 9.

7 Government's Exhibit 321 contains one 9 millimeter
8 Luger 9 by 19 caliber Hi-Point 995 semi-automatic rifle,
9 serial number E492A, seized from 292 Barrington Street,
10 Rochester, New York, on January 29th, 2018.

11 Back to Government's 323. I'm reading now from the
12 stipulation on the same page, Government's Exhibit 323
13 contains one 7.62 x 39 millimeter caliber Norinco MAC 90
14 Sporter semi-automatic rifle, serial number 9496997, seized
15 from 292 Barrington Street, Rochester, New York, on January
16 29th, 2018.

17 Mr. Aponte Camacho, you circled another firearm
18 sort of in between the two firearms we just showed the jury.
19 What's the firearm in between those that you circled on
20 Government's 295?

21 A. AR-15.

22 Q. All right. Is this the firearm marked Government's 319
23 that you circled in Government's 295?

24 A. Yes.

25 Q. All right. And you recognize Government's 319 to be what?

1 A. AR-15.

2 Q. From where?

3 A. From the Culver apartment.

4 Q. All right. And I'll read from Government's -- I'm sorry,
5 the stipulation between the parties, Government's -- Court
6 Exhibit 1 on page 9.

7 Government's Exhibit 319 contains one 223 Remington
8 5.56 by 45 millimeter caliber Bushmaster XM-15-E2S
9 semi-automatic rifle, serial number BF14153996, seized from
10 292 Barrington Street, Rochester, New York on January 29th,
11 2018.

12 Mr. Aponte Camacho, you recognized those firearms
13 from being -- you said at which apartment building that you
14 used to work the table?

15 A. The Culver building.

16 Q. All right. And you testified earlier that there were other
17 firearms present at those -- some of those apartments as well?

18 A. Yes.

19 Q. All right. Was there quantities of ammunition present at
20 any of these apartments?

21 A. Yes.

22 Q. Now, the firearms that we just showed the jury, you
23 testified you recognized from the apartment on Culver Road; is
24 that right?

25 A. You said these guns I recognize?

1 Q. Yes.

2 A. Yes.

3 Q. Were these guns also present at either the hospital
4 apartment or the East Main apartment or the Liberty Pole Way
5 apartment?

6 A. No, these ones I only saw them in the Culver apartment.

7 Q. All right. Can you describe what firearms you saw at the
8 other apartments, the hospital apartment, the East Main
9 apartment, and the Liberty Pole Way apartment?

10 A. In the hospital apartment I had seen -- I think there were
11 two Uzis; a .44; and a handgun like silver color.

12 Q. All right. Any firearms at the East Main apartment that
13 you worked the table?

14 A. There I don't remember ever seeing any.

15 Q. All right. How about at the apartment on Liberty Pole Way?

16 A. Yes.

17 Q. What were the firearms that you remembered seeing at the
18 apartment on Liberty Pole Way?

19 A. There I did see a small Ruger; a .40 XT; and two Uzis.
20 They were under the bed in a bag.

21 Q. How did you know about the firearms we just showed the
22 jury from the Culver apartment building, how did you know they
23 were in the apartment?

24 A. Because I saw Javi pulling them out.

25 Q. Can you tell us about the occasion where you saw Javi

1 pulling them out?

2 A. We went to work the table, but before putting everything
3 on the table he took them all out and I ask him what was the
4 gun that I marked, the first the one in the top, and he said
5 that it was a 9 millimeter rifle.

6 And he took the rifle that has the wooden -- wood
7 lacquer on it and put the clip and he started to move like --
8 can I mark the part where I -- that he was moving?

9 Q. Sure. Ms. Rand, would you mind clearing those marks?
10 Thank you.

11 A. It was like around this side.

12 Q. All right. And you've circled a portion of the firearm
13 with the wood on it in the center of that firearm?

14 A. Yes.

15 Q. So Javi was moving that part of the firearm?

16 A. Yes, he had the rifle like -- held with his left hand and
17 with the right hand he would move it and the bullets will come
18 out and he would say that the rifle was new.

19 Q. That the rifle was what?

20 A. New. That it was new.

21 Q. Who else was present when Javi pulled out these firearms?

22 A. Yankee; Pistolita; me; Obed; and I'm not sure if Robert
23 was.

24 Q. Do you remember Javi telling you anything else about the
25 firearms on that occasion when he pulled them out?

1 A. He took the R-15, moved the back of it. If I can mark it?

2 Q. Sure, tell us which firearm. All right, you circled the
3 firearm previously you identified that's in the middle of that
4 bag?

5 A. Yes.

6 Q. What did you see Javi do or say when he had that firearm?

7 A. He moved that piece like this and said that the rifle was
8 new, but what was missing was the back because it was damaged.

9 Q. All right. Did you ever see the defendant Pistolita with
10 a handgun or a long gun?

11 A. With one of the long guns, no.

12 Q. Did you ever see the defendant with a handgun?

13 A. Yes.

14 Q. Can you tell us about that?

15 A. Yes. I was in Javi's driveway with Javi and Pistolita was
16 selling on Burbank. And a Dominican who lived next to Javi's
17 house who worked before I started to work, some black guys had
18 jumped him before and stole his necklaces. He was coming --
19 walking fast from Burbank. I think he was bleeding in his
20 eye. His mouth, his lip, it was swelling.

21 And Pistolita ask him what was happening. He said
22 some black guys had jump him and stolen the necklaces. He
23 asked Pistolita if he had a tool. And he said give me a
24 break, he went inside the house.

25 Q. What house did Pistolita go into?

1 A. No, the Dominican.

2 Q. Okay.

3 A. He went into his house, he live next to Javi's house.

4 Q. Can we show -- I'm sorry, can we show Government's 36 in
5 evidence? Do you recognize the white house in the center of
6 the photograph in Government's 36?

7 A. Yes.

8 Q. What do you recognize that house to be?

9 A. That's Javi's house.

10 Q. On Burbank?

11 A. Yes.

12 Q. All right. And is this where the -- what you're describing
13 happened?

14 A. Yes.

15 Q. All right. Go ahead, tell us what happened.

16 A. Well, I was like here in the driveway. And the Dominican
17 came walking from this way, from this direction.

18 Q. All right. And let the record reflect the first mark you
19 made to show that you were in the driveway is on the right
20 side of the house that you identified as Javi's; is that
21 right?

22 A. Yes.

23 Q. And that's where you were?

24 A. Yes.

25 Q. And then you drew on the bottom left portion of the screen

1 an arrow pointing toward the right of this photograph; is that
2 right?

3 A. Yes.

4 Q. And that's showing the direction of travel of who?

5 A. From where the Dominican was coming from.

6 Q. All right. And what street is to the left of this
7 photograph?

8 A. What do you mean? I don't understand what you're trying
9 to say.

10 Q. All right.

11 A. It's Burbank.

12 Q. This photograph shows Burbank Street?

13 A. Yes.

14 Q. And what would be the street -- the closest street to the
15 left of Javi's house?

16 A. Clinton.

17 Q. So the Dominican person you described was walking from the
18 area of Clinton toward Javi's house?

19 A. Yes.

20 Q. All right. Where was the defendant at this time?

21 A. He was like around the front of the porch on the sidewalk.

22 Q. Can you show us -- circle the area where the defendant
23 was?

24 A. Right here.

25 Q. And you've made a mark just below the tree that's toward

1 the right of the white fence; is that right?

2 A. Yes.

3 Q. All right. So while the defendant was there and the
4 Dominican person was walking from North Clinton and you were
5 in the driveway, tell us what happened.

6 A. Well, the Dominican came walking pretty fast and Pistolita
7 ask him what happened because he was like bleeding through an
8 eye and his mouth was swollen.

9 And he told Pistolita that some black guys had just
10 jump him and that they stole the necklaces. And that if he
11 didn't have a tool. And so he told him to give him a break,
12 he will be right back. And he went in the house and Javi ask
13 Pistolita, what happened to Domi? That's like term the
14 Dominicans use to -- to like call each other.

15 And Pistolita told Javi that some black guys had
16 jump him and that they stole his necklaces and the Dominican
17 asked Pistolita if he had a tool here. Javi told him to give
18 him the one there and they signaled into an abandoned car that
19 was in front of the Dominican's house.

20 And one of the guns -- one of Javi's guns was
21 there. Pistolita opened the car's door, looked under the
22 seat, and gave it to the Dominican.

23 Q. What did you see the defendant give to the Dominican?

24 A. The handgun like a silver color. And the Dominican loaded
25 it, put his hand inside of the hoodie, put the hoodie on and

1 took a bicycle and went on to see if he saw the black guys by
2 the tree -- oh, on Mazda.

3 Q. What's Mazda?

4 A. That's a street where he got jumped.

5 Q. Oh, Mazda, M-A-Z-D-A?

6 A. Yes.

7 Q. Okay.

8 A. From there he turn around and said that he did not see
9 him.

10 Q. All right. Mr. Aponte Camacho, you testified earlier that
11 there were occasions where members of the organization were
12 arrested and were gone for a period of time and then came
13 back; is that right?

14 A. Yes.

15 Q. Did you ever get arrested while you were working for Javi?

16 A. No.

17 Q. Did you ever discuss what to do with members of this
18 organization if you were arrested?

19 A. Yes.

20 Q. Was there any understanding about what Javi would do for
21 members of this organization if they were arrested?

22 A. Yes.

23 Q. What was that understanding?

24 A. Javi would pay for the bail and the lawyer.

25 Q. All right. You mentioned --

1 **THE COURT:** Let's take a break now.

2 **MR. MARANGOLA:** Break, Judge, sure.

3 **THE COURT:** Ladies and gentlemen, at this time we'll
4 take a recess. In the meantime, do not discuss the matter or
5 allow anybody to discuss the matter with you. The jury will
6 step down, we'll stand in recess.

7 (WHEREUPON, there was a pause in the proceeding.)

8 (WHEREUPON, the jury is present; the defendant is
9 present).

10 **THE COURT:** Members of the jury, we took that last
11 recess -- I thought it was 10:30, not 11:30, and that's why we
12 took that recess. I thought we had another hour to go, but
13 we're going to break in just a few minutes.

14 Mr. Marangola I think has a few questions in one
15 area here and we'll try to complete that and then break for
16 the day. So I apologize for that.

17 You may proceed.

18 **MR. MARANGOLA:** Thank you, Your Honor.

19 **BY MR. MARANGOLA:**

20 Q. Mr. Aponte Camacho, before the break I asked you if there
21 was an understanding among members of the operation about what
22 Javi would do if you were arrested in connection with selling
23 of drugs on Burbank. Do you recall that?

24 A. Yes.

25 Q. And the understanding among those members was what?

1 A. Javi would pay for the bond and for the lawyer.

2 Q. All right. And you previously testified that certain
3 individuals were arrested while you were working as part of
4 this operation?

5 A. Yes.

6 Q. And I think you testified that included Yankee and
7 Pistolita and Obed?

8 A. Yes.

9 Q. Can you tell us how did you learn about Yankee's arrest?

10 A. How did I know about Yankee's arrest?

11 Q. Yeah, how did you learn about it?

12 A. Obed told me that he had been arrested at Burbank.

13 Q. What did Obed tell you about it?

14 A. That he had -- that he was caught with some packages
15 selling.

16 Q. Do you recall when that was?

17 A. I think at the end of 2015.

18 Q. Do you recall where you were when you found out about
19 Yankee's arrest?

20 A. Where was I?

21 Q. Yeah.

22 A. I don't remember.

23 Q. Did there come a time when you learned whether or not Javi
24 was going to pay for Yankee's attorney in connection with that
25 arrest?

1 A. Yes.

2 Q. Can you tell us about that?

3 A. That was at the hospital apartment. Robert was -- well,
4 he had just arrive from picking up some money from Burbank
5 from the ones selling and Javi told him to go get the safety
6 box and they took out a whole bunch of money from there.

7 If I'm not mistaken, there were like \$100,000, I'm
8 not sure. Javi told Robert that that was to pay for the
9 lawyer and Robert said all that money was for Gordo's lawyer.
10 And having said yes --

11 Q. When you say Gordo, are you -- are you referring to gold,
12 G-O-L-D, or Gordo?

13 A. Gordo.

14 Q. G-O-R-D-O?

15 A. Yes.

16 Q. All right. You said Robert had arrived at the apartment?

17 A. Can you repeat the question?

18 Q. Robert had just arrived at the apartment?

19 A. Yes.

20 Q. And what did Robert bring to the apartment?

21 A. The money from the day from the sales.

22 Q. The sales on Burbank?

23 A. Yes.

24 Q. And you said Javi told Roberto get the money from -- get
25 additional money from where?

1 A. From a small safe that they -- that was there.

2 Q. A small safe?

3 A. Yes.

4 Q. All right. Did Javi tell you what happened with Yankee's
5 case?

6 A. That he was going to get like seven months or ten months,
7 something like that. I'm not very sure how long was it.

8 Q. All right. Was there a time period that Yankee was gone
9 for several months in jail?

10 A. Yes.

11 Q. Did there come a time when Yankee got out of jail?

12 A. Yes.

13 Q. When you saw Yankee after he had been in jail, what was he
14 doing?

15 A. He went to LaForce, he was running and he took drug
16 packages.

17 Q. We'll talk about that, I think, a little bit more
18 tomorrow.

19 **MR. MARANGOLA:** Judge, that's the end of the area
20 of this questioning.

21 **THE COURT:** Thank you for your patience and
22 understanding, ladies and gentlemen. At this time we'll
23 stand in recess until 8:30 tomorrow morning, and we will be in
24 session from 8:30 until 11:30 tomorrow; no session on Friday.

25 With that understanding the jury may step down.

1 Please do not discuss the matter or allow anybody to discuss
2 the matter with you. Have a good night.

3 **MR. MARANGOLA:** Thank you, Your Honor.

4 **MS. KOCHER:** Thank you.

5 (**WHEREUPON**, proceedings adjourned at 11:47 a.m.)

6 * * *

7 **CERTIFICATE OF REPORTER**

8
9 In accordance with 28, U.S.C., 753(b), I certify that
10 these original notes are a true and correct record of
11 proceedings in the United States District Court for the
12 Western District of New York before the Honorable Frank P.
13 Geraci, Jr. on October 27th, 2021.

14

15 S/ Christi A. Macri

16 Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)
17 Official Court Reporter

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